

***Interference Memorandum***

**The Count**

Claim 25 of U.S. application No. 09/875,137.

OR

Claim 1 of U.S. patent No. 6,088,924.

These claims define the same patentable invention because they are identical.

**I) Why Claims 25-32, 35-37 & 39-41 of Application No. 09/875,137 Correspond to the Count.**

Claim 25 corresponds to the count because it is identical to the count. Claim 25 was copied verbatim from claim 1 of U.S. patent No. 6,088,924.

Claim 26 corresponds to the count because it depends on claim 25 and merely adds the limitation that the measurement head is pivotally mounted to pivot toward and away from an active position. This is a known way to mount the measurement head as shown by Figure 1 of Arnold (U.S. # 1,941,456), for example, and would have been an

obvious way to mount the measurement head motivated by its art recognized suitability for its intended use. Claim 26 is also identical to claim 12 of U.S. patent No. 6,088,924.

Claim 27 corresponds to the count because it depends on claim 25 and adds the additional feature of including a device for checking the diameter of the crankpin during grinding. U.S. patent No. 6,088,924 admits that this additional feature of including a device for checking the diameter of the crankpin during grinding is "known *per se*, and is available on the market" (Col. 2, lines 12-16). It would have been obvious for the ordinary practitioner to include a known feature used for its known purpose to achieve a predictable result.

Claim 28 corresponds to the count because it depends on claim 25 and it adds the limitation that the disk-shaped tool is a grinding wheel; The examiner notes that grinding wheels are so common and well known that there is practically no difference in claim scope between claim 25, which recites a "disk-shaped tool", and claim 28, which states that the "disk-shaped tool" is a "grinding wheel".

Claim 29 corresponds to the count, because it depends on claim 28 and it recites a mere truism, and therefore has the same scope as claim 28.

Claim 30 corresponds to the count because it depends on claim 25 and it adds the limitation of a V-shaped guide member; the V-shaped guide member is standard on

devices of this type as shown by the examples of Schemel (US # 4,637,144) and Esteve (US # 5,150,545).

Claim 31 corresponds to the count because it has substantially the same scope as claim 25.

Claim 32 depends on claim 31, and it corresponds to the count for the same reasons given for claim 30, above.

Claim 35 depends from claim 32, and it corresponds to the count because it adds the limitation of an “additional coupling element” moveable located between the support and the first coupling element. This type of arm is old in the art, as shown as element 1 in Figure 1 of Arnold (US # 1,941,456), and would have been an obvious way to mount the measuring head, motivated by its art recognized suitability for its intended use.

Claim 36 depends on claim 35 and it corresponds to the count because it adds the limitation that the “additional coupling element” rotates about an axis that is parallel to the geometric axis of the device. As noted above, this arrangement is shown in Figure 1 of Arnold (US # 1,941,456), and would have been an obvious to the ordinary practitioner to mount the measuring head this way, motivated by its art recognized suitability for its intended use.

Claim 37 depends on claim 36, and it corresponds to the count because it adds the limitation that the “coupling element” also rotates about an axis that is parallel to the geometric axis of the device. This is a known way of mounting a measuring head. For example, the coupling element corresponds to element 15 in Figure 1 of Arnold (1,941,456). Since this is an old and well known way to mount the measuring head, it would have been an obvious to the ordinary practitioner to mount the measuring head this way, motivated by its art recognized suitability for its intended use.

Claim 39 depends on claim 31, and it corresponds to the count because a guide is inherently needed for the reference device, and it would have been obvious to the ordinary practitioner for this very reason.

Claim 40 depends on claim 31, and it corresponds to the count because it is inherent that the device would maintain contact with the work piece (crankpin) by its own weight.

Claim 41 depends on claim 40, and it corresponds to the count because it adds the limitation of an “additional coupling element”, and a biasing spring that biases the reference device toward an inoperative position. This is a known way of mounting a measuring head. For example, the addition coupling element is shown in Figure 1 of Arnold (US # 1,941,456) as element 1, and the biasing spring is element 18. Since this is an old and well known way to mount the measuring head, it would have been an

obvious to the ordinary practitioner to mount the measuring head this way, motivated by its art recognized suitability for its intended use.

**II) Why Claims 1-4 and 12 of U.S. Patent No. 6,088,924 Correspond to the Count**

Claim 1 corresponds exactly to the count as it is identical to the count.

Claim 2 corresponds to the count because it depends on claim 1 and it adds the limitation of a V-shaped guide member; a V-shaped guide member is standard on devices of this type as shown by the examples of Schemel (US # 4,637,144) and Esteve (US # 5,150,545).

Claim 3 corresponds to the count because it depends on claim 2 and adds the limitation of a hinged guide member and an actuator; the "hinged lever" which supports the guide member is known to be used on devices of this type as shown by the example of Possati et al (US # 5,086,569), and it is well known to use an actuator of some type to move the guide member into and out of position, as shown by the example of Schemel (US # 4,637,144).

Claim 4 corresponds to the count, because it depends on claim 1 and adds the limitation that the support for the measurement head is slidably mounted in a fixed guide; this feature is known to be used on devices of this type as shown by the example

of Schemel (US # 4,637,144), and would have been obvious motivated by its known suitability for its intended use.

Claim 12 corresponds to the count because it depends on claim 1 and merely adds the limitation that the measurement head is pivotally mounted to pivot toward and away from an active position. This is a known way to mount the measurement head as shown by Figure 1 of Arnold (U.S. # 1,941,456), for example, and would have been an obvious way to mount the measurement head motivated by its art recognized suitability for its intended use. Claim 12 is also identical to claim 26 of U.S. application No.

09/875,137.

**III) Why Claims 33, 34, & 38 of Application No. 09/875,137 Do Not Correspond to the Count.**

These claims add additional features which would not have been obvious to one of ordinary skill in the art at the time of the invention.

Claim 33 depends from claim 32, and adds the limitation of a "feeler" that moves along a bisecting line of the Vee-shaped device.

Claim 34 depends from claim 33 and adds the limitation of a transducer with a moveable element coupled to the feeler.

Claim 38 depends on claim 31, and adds the limitation of an automatic control device for lifting the reference device.

**IV) Why Claims 5-11 of U.S. Patent No. 6,088,924 Do Not Correspond to the Count**

These claims add additional features which would not have been obvious at the time that the invention was made.

Claim 5 depends on claim 1, and adds the limitation of the support for the measurement head being in the form of two hinged links arranged in a "parallelogram" configuration.

Claim 6 depends on claim 5, and adds the limitation that the length of the links is the sum of the radii of the grinding tool and the cylindrical piece.

Claim 7 depends on claim 6 and adds the limitation that the length between the hinges is adjustable.

Claim 8 depends on claim 1 and adds the limitation that the support for the measurement head is a vertical rod that is slidably mounted in a guide member with an actuator consisting of a driver dog.

Claim 9 depends from claim 8, and adds the limitation that the support rod is cylindrical, but not circular.

Claim 10 depends on claim 8, and adds the limitation that the bearing force of the support is its own weight.

Claim 11 depends on claim 8 and adds the limitation that there is a return member between the guide member and the support.